

By: Patrick

S.B. No. 9

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to distributing or prescribing abortion-inducing drugs;  
3 providing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 171, Health and Safety Code, is amended  
6 by adding Subchapter C to read as follows:

7 SUBCHAPTER C. ABORTION-INDUCING DRUGS

8 Sec. 171.051. DEFINITIONS. In this subchapter:

9 (1) "Abortion-inducing drug" means a drug, a medicine,  
10 or any other substance, including a regimen of two or more drugs,  
11 medicines, or substances, prescribed, dispensed, or administered  
12 with the intent of terminating a clinically diagnosable pregnancy  
13 of a woman and with knowledge that the termination will, with  
14 reasonable likelihood, cause the death of the woman's unborn child.  
15 The term includes off-label use of drugs, medicines, or other  
16 substances known to have abortion-inducing properties that are  
17 prescribed, dispensed, or administered with the intent of causing  
18 an abortion, including the Mifeprex regimen. The term does not  
19 include a drug, medicine, or other substance that may be known to  
20 cause an abortion but is prescribed, dispensed, or administered for  
21 other medical reasons.

22 (2) "Final printed label" or "FPL" means the  
23 informational document approved by the United States Food and Drug  
24 Administration for an abortion-inducing drug that:

1           (A) outlines the protocol authorized by that  
2 agency and agreed to by the drug company applying for authorization  
3 of the drug by that agency; and

4           (B) delineates how a drug is to be used according  
5 to approval by that agency.

6           (3) "Gestational age" means the amount of time that  
7 has elapsed since the first day of a woman's last menstrual period.

8           (4) "Medical abortion" means the administration or use  
9 of an abortion-inducing drug to induce an abortion.

10          (5) "Mifeprex regimen," "RU-486 regimen," or "RU-486"  
11 means the abortion-inducing drug regimen approved by the United  
12 States Food and Drug Administration that consists of administering  
13 mifepristone and misoprostol.

14          (6) "Physician" means an individual who is licensed to  
15 practice medicine in this state, including a medical doctor and a  
16 doctor of osteopathic medicine.

17          (7) "Pregnant" means the female reproductive  
18 condition of having an unborn child in a woman's uterus.

19          (8) "Unborn child" means an offspring of human beings  
20 from conception until birth.

21          Sec. 171.0511. APPLICABILITY TO MEDICAL ABORTION. This  
22 subchapter does not apply to an abortion done with the intent to:

23           (1) save the life or preserve the health of an unborn  
24 child;

25           (2) remove a dead, unborn child whose death was caused  
26 by spontaneous abortion;

27           (3) remove an ectopic pregnancy; or

1           (4) treat a maternal disease or illness for which a  
2 prescribed drug, medicine, or other substance is indicated.

3           Sec. 171.052. ENFORCEMENT BY TEXAS MEDICAL BOARD.  
4 Notwithstanding Section 171.005, the Texas Medical Board shall  
5 enforce this subchapter.

6           Sec. 171.053. DISTRIBUTION OF ABORTION-INDUCING DRUG.

7 (a) A person may not knowingly give, sell, dispense, administer,  
8 provide, or prescribe an abortion-inducing drug to a pregnant woman  
9 for the purpose of inducing an abortion in the pregnant woman or  
10 enabling another person to induce an abortion in the pregnant woman  
11 unless:

12           (1) the person who gives, sells, dispenses,  
13 administers, provides, or prescribes the abortion-inducing drug is  
14 a physician;

15           (2) the physician administering the abortion-inducing  
16 drug administers the drug to the woman while both are present at an  
17 abortion facility licensed under Chapter 245; and

18           (3) the provision, prescription, or administration of  
19 the abortion-inducing drug satisfies the protocol tested and  
20 authorized by the United States Food and Drug Administration as  
21 outlined in the final printed label of the abortion-inducing drug.

22           (b) Before the physician gives, sells, dispenses,  
23 administers, provides, or prescribes an abortion-inducing drug,  
24 the physician must examine the pregnant woman and document, in the  
25 woman's medical record, the gestational age and intrauterine  
26 location of the pregnancy.

27           (c) The physician who gives, sells, dispenses, administers,

1 provides, or prescribes an abortion-inducing drug shall provide the  
2 pregnant woman with:

3 (1) a copy of the final printed label of that  
4 abortion-inducing drug; and

5 (2) a telephone number by which the pregnant woman may  
6 reach the physician, or other health care personnel employed by the  
7 physician or by the facility at which the abortion was performed  
8 with access to the woman's relevant medical records, 24 hours a day  
9 to request assistance for any complications that arise from the  
10 administration or use of the drug or ask health-related questions  
11 regarding the administration or use of the drug.

12 (d) The physician who gives, sells, dispenses, administers,  
13 provides, or prescribes the abortion-inducing drug, or the  
14 physician's agent, must schedule a follow-up visit for the woman to  
15 occur not more than 14 days after the administration or use of the  
16 drug. At the follow-up visit, the physician must:

17 (1) confirm that the pregnancy is completely  
18 terminated; and

19 (2) assess the degree of bleeding.

20 (e) The physician who gives, sells, dispenses, administers,  
21 provides, or prescribes the abortion-inducing drug, or the  
22 physician's agent, shall make a reasonable effort to ensure that  
23 the woman returns for the scheduled follow-up visit under  
24 Subsection (d). The physician or the physician's agent shall  
25 document a brief description of any effort made to comply with this  
26 subsection, including the date, time, and name of the person making  
27 the effort, in the woman's medical record.

1       (f) If a physician gives, sells, dispenses, administers,  
2 provides, or prescribes an abortion-inducing drug to a pregnant  
3 woman for the purpose of inducing an abortion as authorized by this  
4 section and the physician knows that the woman experiences a  
5 serious adverse event, as defined by the MedWatch Reporting System,  
6 during or after the administration or use of the drug, the physician  
7 shall report the event to the United States Food and Drug  
8 Administration through the MedWatch Reporting System not later than  
9 the third day after the date the physician learns that the event  
10 occurred.

11       Sec. 171.054. ADMINISTRATIVE PENALTY. (a) The Texas  
12 Medical Board may take disciplinary action under Chapter 164,  
13 Occupations Code, or assess an administrative penalty under  
14 Subchapter A, Chapter 165, Occupations Code, against a person who  
15 violates Section 171.053.

16       (b) A penalty may not be assessed under this section against  
17 a pregnant woman who receives a medical abortion.

18       SECTION 2. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect on the 91st day after the last day of the  
23 legislative session.